

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

FILED

JUN 12 2018

Matthew Thibault
CLERK

UNITED STATES OF AMERICA,

CR 18-10006

Plaintiff,

REDACTED SUPERSEDING
INDICTMENT

vs.

JOSHUA NOEL PAUL and
VICTOR MANUEL CAPERON,

Defendants.

CONSPIRACY TO DISTRIBUTE A
CONTROLLED SUBSTANCE,
POSSESSION OF A FIREARM
DURING A DRUG TRAFFICKING
CRIME, POSSESSION WITH INTENT
TO DISTRIBUTE A CONTROLLED
SUBSTANCE, and POSSESSION OF
A FIREARM BY A PROHIBITED
PERSON

18 U.S.C. §§ 2, 922(g)(1), 922(g)(3),
924(a)(2), 924(c)(1)(A), 924(d),
21 U.S.C. §§ 846, 841(a)(1),
841(b)(1)(A), and 28 U.S.C. § 2461(c)

The Grand Jury charges:

COUNT I

Beginning at a time unknown to the Grand Jury but no later than on or about the 23rd day of November, 2017, and continuing to on or about the 28th day of February, 2018, in the District of South Dakota and elsewhere, Defendant, Joshua Noel Paul, knowingly and intentionally, combined, conspired, confederated, and agreed with persons known and unknown to the Grand Jury, to knowingly and intentionally distribute and possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of

methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(A).

COUNT II

On or about between the 23rd day of November, 2017, and the 28th day of February 2018, in Codington County, in the District of South Dakota, Joshua Noel Paul, did knowingly possess, carry and use a firearm, that is, a handgun, a Pietro Beretta 9mm pistol, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, Conspiracy to Distribute a Controlled Substance, and he did brandish the firearm during the offense in violation of 18 U.S.C. § 924(c)(1)(A).

COUNT III

On or about the 28th day of February, 2018, in Corson County, in the District of South Dakota, Defendants,

JOSHUA NOEL PAUL and
VICTOR MANUEL CAPERON,

did knowingly and intentionally possess with the intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and did aid and abet one another, in violation of 18 U.S.C. § 2, 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A).

COUNT IV

On or about the 28th day of February, 2018, in Corson County, in the District of South Dakota, Defendants,

JOSHUA NOEL PAUL and
VICTOR MANUEL CAPERON,

having been convicted of a crime punishable by imprisonment for a term exceeding one year, and being unlawful users of, and addicted to a controlled substance as defined in 21 U.S.C. § 802, did knowingly receive and possess a firearm, to wit: a Pietro Beretta 9mm pistol, serial number C14798Z, which had been shipped and transported in interstate commerce and foreign commerce, and did aid and abet one another, in violation of 18 U.S.C. §§ 2, 922(g)(1), 922(g)(3), 924(a)(2), and 924(d).

FORFEITURE ALLEGATION

1. The allegation contained in Count IV of the Superseding Indictment is hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

2. Upon conviction of the offense in violation of 18 U.S.C. §§ 922(g)(1), 922(g)(3), and 924(a)(2) set forth in this Superseding Indictment,

JOSHUA NOEL PAUL and
VICTOR MANUEL CAPERON,

shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d), and 28 U.S.C. § 2461(c), any firearm involved in the commission of the offense, including, but not limited to:

a. Pietro Beretta 9mm pistol, serial number C14798Z.

3. If any of the property described above, as a result of any act or omission of the Defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred, or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to 28 U.S.C. § 2461(c).

A TRUE BILL

NAME REDACTED

Foreperson

RONALD A. PARSONS, JR.
United States Attorney

By  _____